

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

The Examiner objects to Claims 11-15, 20-21, 26-27, and 38-42, stating that the claims include various informalities. Applicants respectfully traverse these objections. In order to advance prosecution, however, Applicants have amended Claims 11, 20, 26, and 38 to include "A computer readable medium encoded with computer executable logic to provide a multicast service, the logic operable to:," as suggested by the Examiner. For at least this reason, independent Claims 11, 20, 26, and 38, and their respective dependent claims are allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 11-15, 20-21, 26-27, and 38-42.

Rejections under Section 103

The Examiner rejects Claims 1-4, 6-9, 11-14, and 16-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2005/0053068 filed by Toth et al. ("*Toth*") in view of U.S. Patent Application Pub. No. 2002/0065078 filed by Cohen et al. ("*Cohen*"). The Examiner rejects Claims 5, 10, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Toth* in view of *Cohen*, and further in view of International Publication No. WO 03/039024 filed by Rodriguez Gil et al. ("*Rodriguez Gil*"). Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that the combination of *Toth* and *Cohen* proposed by the Examiner fails to disclose, or even teach or suggest, the elements specifically recited in Applicants' claims. For example, the *Toth-Cohen* combination proposed by the Examiner fails to disclose, teach, or suggest the following elements recited in amended independent Claim 1:

directing an enabler mobile to facilitate delivery of the multicast content to the user device using the bearer path, the enabler mobile located in the cell for which the enabler mobile enables delivery, the enabler mobile substantially fixed in position and distinct from a base station operable to communicate the multicast content to the user device, the enabler mobile

further distinct from a base station controller.

The Examiner relies on satellites 21 and 22 of *Cohen* to teach an enabler mobile of a prior version of Claim 1. (Final Office Action, Page 4 (stating “the satellite is the enabler mobile ... and it is not the base station”). Whether or not this is correct, *Cohen* fails to disclose the enabler mobile of amended independent Claim 1. For example, according to *Cohen*, the satellites 21 and 22 fly over a multicast cell:

[0052] In a manner that is known to the skilled person, when the satellite 21 is about to cease covering the terminal 25, as it overflies the multicast cell, the connection station 23 anticipates the disappearance of the satellite 21 and prepares to switch the link to the other satellite 22, the successor of the preceding one in the sequence of satellites overflying the multicast cell.

(*Cohen*, Page 3, Para. [0052].) Thus, the satellites 21 and 22 of *Cohen* fail to disclose, teach, or suggest “the enabler mobile substantially fixed in position” of Claim 1.

As another example, according to *Cohen*, the satellites 21 and 22 communicate multicast content to a user terminal:

[0009] The data coming from the server is relayed by a terrestrial connection station, which sends it to a satellite in the form of radio signals. The satellite amplifies the signals and modifies their frequency (for technical reasons that will not be gone into here) to ***send them to the terminal of the user.***

(*Cohen*, Page 1, Para. [0009] (emphasis added).)

Furthermore, according to *Cohen*:

... each user has a communication terminal including two data sender/receiver systems each of which is able to ***exchange data with a satellite.***

(*Cohen*, Page 1, Para [0020] (emphasis added); *see also Cohen*, Page 3, Para. [0051] (stating “[d]ata is transmitted between the satellite 21, 22 and the terminal 24, 25.”))

That is, the satellites 21 and 22 of *Cohen* communicate multicast content to a user terminal. As a result, the satellites 21 and 22 of *Cohen* fail to disclose “the enabler mobile ... ***distinct from a base station operable to communicate the multicast content to the user device***” of Claim 1 (emphasis added.).

Consequently, at a minimum, *Cohen*, even when combined with *Toth* and *Rodriguez Gil* as proposed by the Examiner, fails to disclose, teach, or suggest the elements of amended

independent Claim 1. For at least this reason, independent Claim 1, as amended, and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 6, 11, 16, 18, 20, 22, 24, 26, 28, 33, 38, 43, and 44, as amended, and their respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-44.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge the required \$810.00 fee to file a Request for Continued Examination (RCE) and, to the extent necessary, charge any other required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L. L. P.
Attorneys for Applicants



Keiko Ichiye
Reg. No. 45,460
(214) 953-6494

KI/BD

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